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Attorneys for Defendant

SAFEWAY INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

EVELYN A. EVANS,

Plaintiff,

vs.

SAFEWAY STORES,  
INCORPORATED; AKA SAFEWAY  
INC.; JOHN DOES 1-10, JANE DOES  
1-10, DOE PARTNERSHIPS 1-10,  
DOE LIMITED PARTNERSHIPS 1-  
10, DOE JOINT VENTURES 1-10,  
DOE CORPORATIONS 1-10; DOE  
ENTITIES 1-10 and DOE  
GOVERNMENTAL ENTITIES 1-10,

Defendants.

CIVIL NO.

(Non-Motor Vehicle Tort)

**NOTICE OF REMOVAL;  
EXHIBITS "A" TO "B";  
CERTIFICATE OF SERVICE**

## **NOTICE OF REMOVAL**

TO THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII:

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant SAFEWAY INC. (“SAFEWAY”) files this Notice of Removal in the case now pending in the Circuit Court of the First Circuit, State of Hawaii, styled Evelyn A. Evans vs. Safeway, Inc., et al., Civil No. 1CCV-20-0000194. As grounds for removal, SAFEWAY states as follows:

1. On May 12, 2020, Plaintiff EVELYN A. EVANS (“PLAINTIFF”) filed an amended complaint in Civil No. 1CCV-20-0000194 in the Circuit Court of the First Circuit, State of Hawaii, against SAFEWAY.

2. Upon information and belief, SAFEWAY states no other parties have been named in the action.

3. SAFEWAY was served with the complaint on May 26, 2020.

4. PLAINTIFF alleges in her complaint that SAFEWAY is liable to her for damages in connection with an August 20, 2018 accident that occurred on SAFEWAY’s premises.

5. PLAINTIFF’s counsel has confirmed that PLAINTIFF is a citizen of the State of Hawaii.

6. SAFEWAY is a citizen of the State of Delaware (place of incorporation) and the State of California (principal place of business).

7. PLAINTIFF alleges in her complaint that as a result of the August 25, 2018 accident, she suffered injuries and damages.

8. PLAINTIFF prays in her complaint for an award of general damages, special damages, and punitive damages against SAFEWAY. However, because Hawaii law prohibits *ad damnum* clauses in complaints, PLAINTIFF does not specify the amount of damages that she prays for.

9. PLAINTIFF's counsel has confirmed that PLAINTIFF's claimed damages exceed the sum or value of \$75,000.00.

10. This court has original jurisdiction over civil actions where the matter in controversy exceeds the sum or value of \$75,000.00 and is between citizens of different States within the meaning of 28 U.S.C. §1332.

11. A true and correct copy of PLAINTIFF's complaint filed in the Circuit Court of the First Circuit, State of Hawaii, is attached hereto as Exhibit "A", and comprises all process, pleadings, and orders served upon SAFEWAY in the action.

12. A true and correct copy of SAFEWAY's answer to PLAINTIFF's complaint filed in the Circuit Court of the First Circuit, State of Hawaii, is attached hereto as Exhibit "B".

WHEREFORE, Defendant SAFEWAY INC. prays that the above-entitled action be removed from the Circuit Court of the First Circuit, State of

Hawaii, to the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, September 15, 2020.

/s/ Normand R. Lezy

NORMAND R. LEZY

MICHAEL J. NAKANO

SHAWN L. M. BENTON

Attorneys for Defendant

SAFEWAY INC.